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10/606,897	06/26/2003	Michael R. Fender	10030339-1	6585

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EXAMINER

BHAT, ADITYA S

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/606,897
Filing Date: June 26, 2003
Appellant(s): FENDER ET AL.

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GROUP 2800

AGILENT TECHNOLOGIES
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/18/2005 appealing from the Office action
mailed 08/11/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is partially correct. In view of appellant's brief claims 21-24, 26-33 and 35-39 are currently rejected under 35 U.S.C. 102 (b).

Claims 25 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is partially correct. In view of appellants response rejections under 35 U.S.C. 103(a) with

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respect to claims 25 and 34 have been withdrawn and are currently objected as containing allowable subject matter.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,898,307	TARAKI ET AL.	4-1999
6,791,545	MILLER ET AL.	9-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-24, 26-33 and 35-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Taraki et al. (USPN 5,898,307).

With regards to claim 21, Taraki et al. (USPN 5,898,307) teaches a method comprising the steps of:

displaying first and a second waveform; (72;figure 8) (99;figure 10) (Figure 2)

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displaying a plurality of icons, (Col.3, lines 41-43) each icon corresponding to a measurement to be performed of a parameter defining a relationship between the first waveform and the second waveform (figure 2) (Col.4, lines 8-14)

enabling a user to select one of the plurality of icons (Col. 3, lines 41-42)

enabling a user to mark a first point on the first waveform (Col.4, lines 41-60)
(41,41a; figure 2)

enabling a user to mark a second point on the second waveform (Col.4, lines 41-60) (41,41a; figure 2)

performing a measurement based on the selected icon, the first point on the first waveform and the second point on the second waveform. (Col.1, lines 37-40)

With regards to claims 22, and 29 Taraki et al. (USPN 5,898,307) teach the parameter is one of a setup time, hold time, a time difference and a phase difference. (See figure 2) (Col.1, lines 33-34)

With regards to claims 23 and 30, Taraki et al. (USPN 5,898,307) teach displaying the measured parameter (figure 2)

With regards to claims 24 and 32, Taraki et al. (USPN 5,898,307) teaches user manipulated pointing device comprising one of a mouse, a joystick, a track-ball, a keyboard, a touch-screen, and a touch-pad. (28,29;See figure 1)

With regards to claim 26, Taraki et al. (USPN 5,898,307) teaches receiving first and second signals from device under test, the first signal and second signals corresponding to the first and second waveforms respectively (21,22,23;figure 1) (figure 2)

With regards to claim 27, Taraki et al. (USPN 5,898,307) teaches enabling the user to set a measurement threshold based on a percentage of change of one of the first and second waveforms

With regards to claim 28, Taraki et al. (USPN 5,898,307) teaches a measuring and testing instrument comprising:

a display device configured to display a first waveform, a second waveform, and a plurality of icons, (figure 2) each icon corresponding to a measurement to be performed of a parameter defining a relationship between the first waveform and the second waveform (Col.4, lines 8-14)

means for receiving user input, (28-29;figure 1) the user input corresponding to a selected first point on the first waveform and a selected second point on the second waveform and a selected icon; (Col.4, lines 8-14) (Col.4, lines 62-66) and

means for measuring a parameter based on the selected icon, the first point, and the second point. (Col.4, lines 8-14)

With regards to claim 31, Taraki et al. (USPN 5,898,307) teaches a pointing device (29;figure 1) allowing a user to select the first point on the first waveform, the second point on the second waveform and one of the displayed icons. (41,41a;figure 2)

With regards to claim 33, Taraki et al. (USPN 5,898,307) teaches the display device is further configured to display a first mark representing the selected first point on the first waveform and a second mark on representing a second waveform.
(41,41a;figure 2)

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With regards to claim 35, Taraki et al. (USPN 5,898,307) teaches an oscilloscope configured to receive the first and second waveforms from a device under test. (Col. 10, lines 31-33)

With regards to claim 36, Taraki et al. (USPN 5,898,307) teaches a graphical user interface for use with a measurement device the GUI comprising:

a waveform display region for displaying a first waveform and a second waveform (figure 2) and

a toolbar region for displaying a plurality of icons each icon corresponding to a measurement to be performed of a parameter defining a relationship between the first waveform and the second waveform; (32;figure 2) (Col.4, lines 8-11)

wherein by manipulation of a pointing device a first marker is displayed on a first point of the first waveform and a second a waveform is displayed on a second point of the second waveform. (41,41a;figure 2)

With regards to claim 37, Taraki et al. (USPN 5,898,307) teaches an information region for displaying a type of measurement being performed based on a selected icon. (Col.4, lines 8-10)

With regards to claim 38, Taraki et al. (USPN 5,898,307) teaches a result region for displaying results of a measurement (31,31a;figure 2)

With regards to claim 39, Taraki et al. (USPN 5,898,307) teaches the first and second marker are positioned over the first and second waveform (41,41a; figure 2) respectively by a drag and drop process. (Col.4, lines 37-40)

(10) Response to Argument

Regarding claims 25 and 34 that were rejected under 35 U.S.C 103(a), appellants arguments have been found persuasive and the rejections with respect to dependant claims 25 and 34 have been withdrawn. Appellant is reminded that claims 25 and 35 are currently objected to and must be rewritten in independent form in order to be allowed.

Regarding claim 21 and dependent claims 22-24, and 26-27, applicant argues that the Taraki et al. reference fails to disclose displaying a plurality of icons, (Col. 4 lines 8,15, 22 and 27-30) each icon corresponding to a measurement to be performed of a parameter defining a relationship (43-49;figures 2-6)(see below) (col. 4 lines 8-10)(col.5-6, lines 60-67 and 1-5) between the first waveform (31;figure 2) and the second waveform (31a;figure 2), a parameter defining a relationship between the first and second waveform (43-49;figures 2-6)(col.6, lines 3-5), to measure a parameter that relates the first waveform with the second waveform (43-49;figures 2-6)(col.6, lines 3-5) Applicant also argues that the icons correspond to display modes, applicant cites col.3 lines 41-63 and gives the following examples; lab scope mode, freeze display mode and live mode. Although these icons do correspond to different display modes, specifically the pattern/sweep icon is being interpreted as performing a measurement. A sweep commonly known in the art is the analyzer/scope reacquiring the measured signal from the device that is outputting the signal that is being measured. When the pattern/sweep icon is selected the analyzer takes a measurement based on a fixed amount of time. Meaning that it measures the waveform for 100ms as described in col. 4, lines 8-14 and

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displays the measured waveform in increments of 20 ms also described in col. 4, lines 8-14. This interpretation is believed to be a reasonable interpretation for one of ordinary skill in the art at the time of the invention therefore this particular icon (pattern/sweep icon) is believed to meet the limitations of the claim. Further the Taraki et al. reference also teaches a plurality of boxes 42; figures 2-4 that correspond to various measurements. (See Col. 5, lines 3-21) The cited column gives a description of measurements T1 and V1 (45, 43; figure 2) that correspond to a exact horizontal (time) location of the cursors and V1 corresponds to the measured voltage values at time T1. Other measurements can be seen on the figure below and are marked 43-49. It should also be noted that the 48; figure 2 is a time difference measurement which applicant

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specifically claims in claim 2 as one of the parameters to be measured.

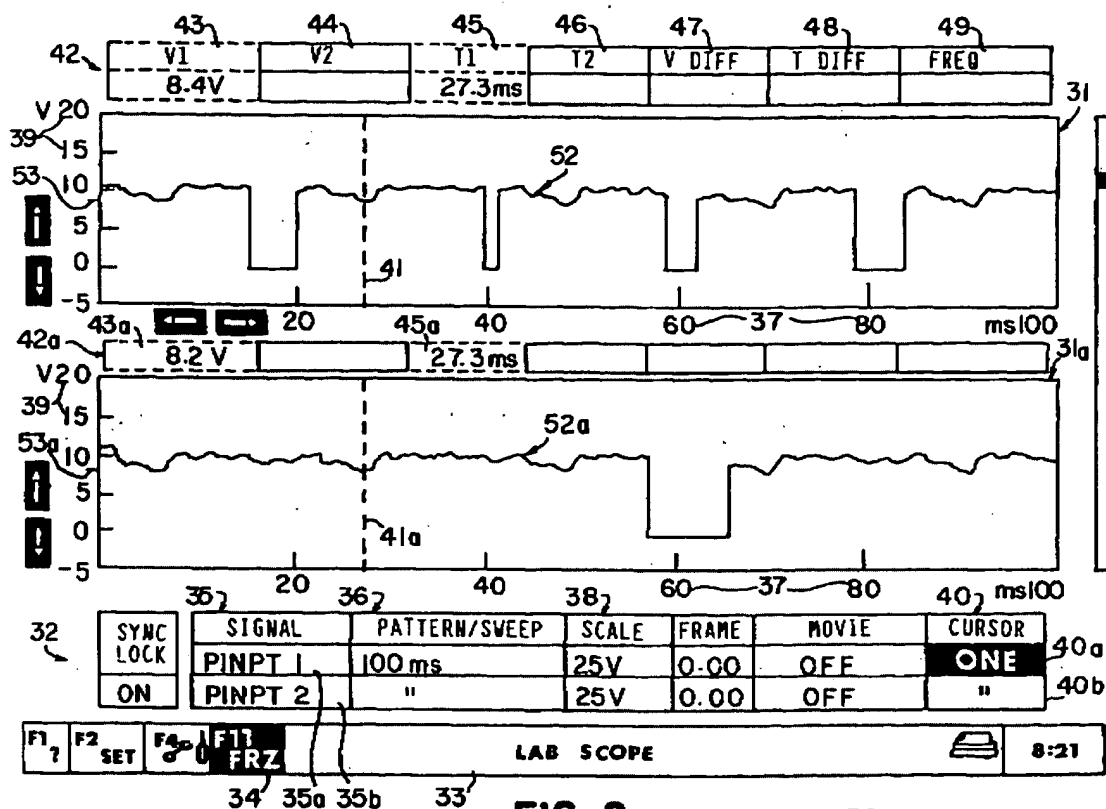


FIG. 2

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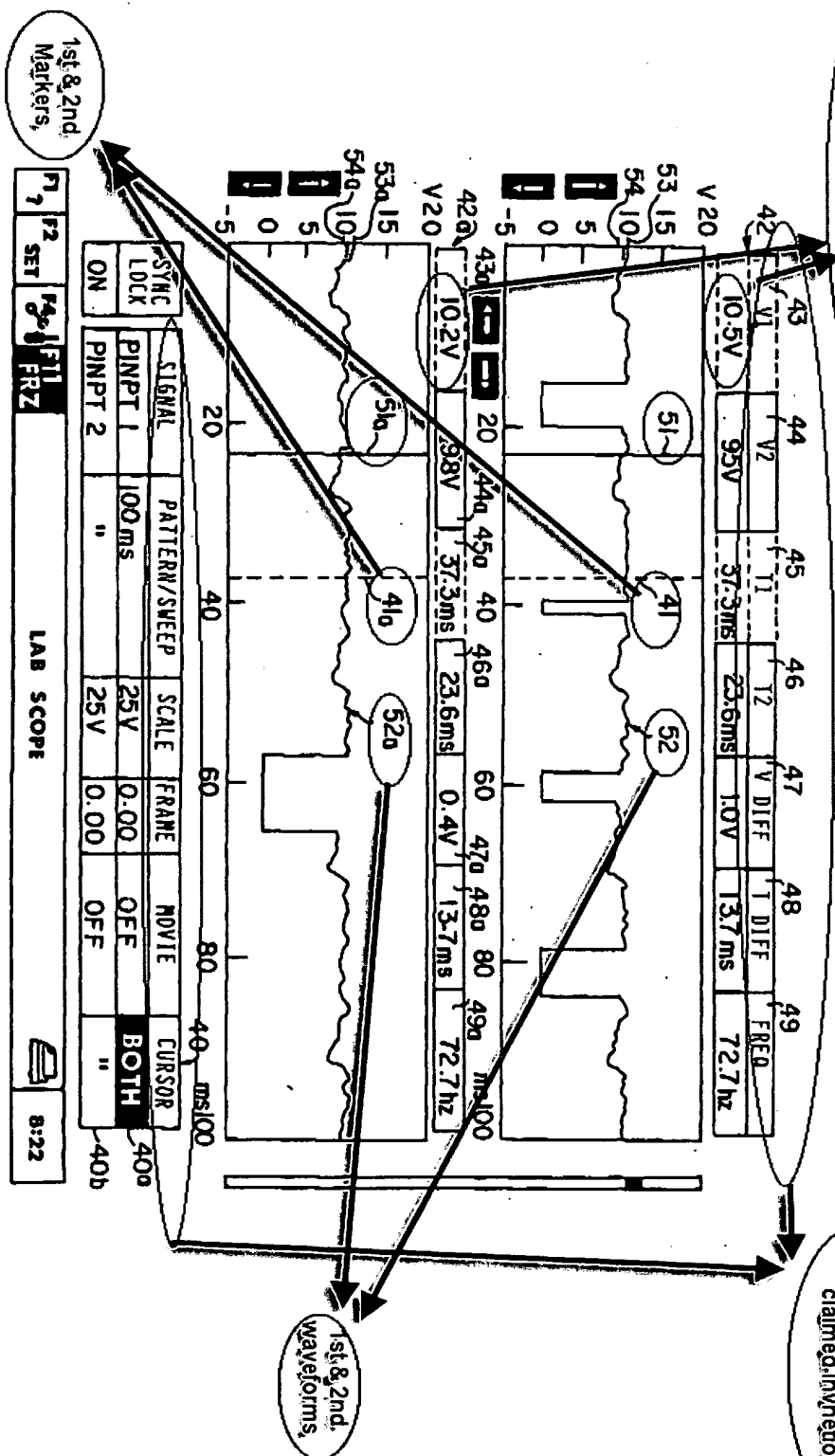


FIG. 3

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Regarding claims 28-33 and 35, applicant argues that the Taraki et al. reference fails to disclose the display device that is configured to display a first waveform, (52; figure 2) second waveform (52a; figure 2) and a plurality of icons, (col. 4, lines 8, 15, 22 and 27-30) each icon corresponding to a measurement to be performed of a parameter defining a relationship (43-49; figure 2-6) (col. 4 lines 8-10) (col. 5-6, lines 60-67 and 1-5) between the first waveform (31; figure 2) and the second waveform. (31a; figure 2), a parameter defining a relationship (col. 5, lines 6-11) (43-49; figure 2) between the first waveform (31; figure 2) and the second waveform (31a; figure 2), applicant goes on to argue that although the Taraki et al reference displays two waveforms simultaneously and can synchronize cursors with respect to the two waveforms, Taraki et al reference fails to measure a parameter that relates (43-49; figure 2-6) (col. 4 lines 8-10) (col. 5, lines 49-59) the first waveform with the second waveform, instead each waveform is measured individually (col. 5, lines 25-30), the icons do not correspond to a measurement to be performed (col. 5 lines 7-19 & 49-59), applicant goes on to argue that the icons correspond to display modes, applicant cites col. 3 lines 41-63 and gives the following examples lab scope mode, freeze display mode and live mode. Although these icons do correspond to different display modes, specifically the pattern/sweep icon is being interpreted as performing a measurement. When the pattern/sweep icon is selected the analyzer takes a measurement based on fixed time sweeps. Meaning that it measures the waveform for 100ms as described in col. 4, lines 8-14 and displays the measured waveform in increments of 20 ms. This

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particular icon is believed to meet the claimed limitation. Further the Taraki et al. reference also teaches a plurality of boxes 43-49 figures 2-6 that correspond to various measurements. (See Col. 5, lines 3-21 & 49-59) The cited column gives a description of measurements T1 and V1 which correspond to a exact horizontal (time) location of the cursors and V1 corresponds to the voltage values at time T1. Applicant goes on to argue that the Taraki et al. reference fails to disclose the claimed feature of measuring a parameter that is based on a selected icon, (See Col. 5, lines 3-21 & 49-59) the a first point on the first waveform (col.5, lines 43-47), and a second point on the second waveform (col.5, lines 43-47), and that the Taraki et al reference fails to measure a parameter based on a selected icon (43-49 figures 2-6) or one based on points from two different waveforms (43-49 figures 2-6) instead all measurements by Taraki et al reference are based on characteristics of the same waveform (47-49;figure 2). It should be noted that although the Taraki et al reference does teach two different waveforms (figure 2-6) the claimed limitations make no mention of the fact that the waveforms are different. Even if applicant's argument were persuasive the claim does not specify two different waveforms therefore having two waveforms would be sufficient to anticipate this claim.

Regarding claim 36 and dependent claims 37-39, applicant argues that the Taraki et al. reference fails to disclose displaying a plurality of icons, (Col. 4 lines 8,15, 22 and 27-30) each icon corresponding to a measurement to be performed of a parameter defining a relationship (43-49;figures 2-6)(col. 4 lines 8-10)(col.5-6, lines 60-67 and 1-5) between the first waveform (31;figure 2) and the second waveform

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(31a;figure 2), a parameter defining a relationship (43-49;figure 2) between the first waveform (52; figure 2) and the second waveform (52a;figure 2), applicant goes on to argue that the prior art of record only measures parameters with respect to a single waveform (43-49;figure 2) Although these measurements correspond to individual waveforms the claim recites "defining a relationship between the first and the second waveform". During patent examination, the claims must be interpreted as broadly as their terms reasonably allow. The plain dictionary meaning of relationship is "any significant way in which two things of the same or different type may be associated". Since the same measurement can be taken on both waveforms simultaneously using the Both or ditto option (Col.4, lines 43-45) the claimed limitation is believed to read on the prior art. Applicant goes on to state that although the Taraki et al reference displays two waveforms simultaneously and can synchronize cursors with respect to the two waveforms,

Taraki et al reference fails to measure a parameter that relates the first waveform with the second waveform, instead each waveform is measured individually (43-49;figure 2), (also see above response to measuring with respect to a single waveform) Applicant goes on to argue that Taraki et al fails to measure a parameter that relates the first waveform with the second waveform (43-49;figures 2-6)(col.6, lines 3-5) Applicant also argues that the icons correspond to display modes, applicant cites col.3 lines 41-63 and gives the following examples lab scope mode, freeze display mode and live mode. Although these icons do correspond to different display modes, specifically the pattern/sweep icon is being interpreted as performing a measurement. When the

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pattern/sweep icon is selected the analyzer takes a measurement based on fixed time sweeps. Meaning that it measures the waveform for 100ms as described in col. 4, lines 8-14 and displays the measured waveform in increments of 20 ms. This particular icon is believed to meet the claimed limitation. Further the Taraki et al. reference also teaches a plurality of boxes 43-49 figures 2-6 that correspond to various measurements. (See Col. 5, lines 3-21) The cited column gives a description of measurements T1 and V1 which correspond to a exact horizontal (time) location of the cursors and V1 corresponds to the voltage values at time T1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

Aditya Bhat

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